1 CHRIS T. RASMUSSEN, ESQ. Nevada Bar No. 7149 RASMUSSEN & KANG, LLC. 330 South Third Street Suite 1010 3 Las Vegas, Nevada 89101 4 702-464-6007 chris@rasmussenkang.com 5 UNITED STATES DISTRICT COURT 6 DISTRICT OF NEVADA 7 8 UNITED STATES OF AMERICA. Case No.: 2:16-cr-00046-GMN-PAL 9 Plaintiff. 10 NOTICE OF ASSERTION OF RIGHT TO vs. BE PRESENT IN COURT UNSHACKLED 11 PETER SANTILLI, 12 Defendant 13 Peter Santilli hereby asserts his Fifth Amendment Right to be present in Court 14 15 without shackles. See United States v. Sanchez-Gomez, ___F.3d___, 2017 WL 2346955, *13 16 (9th Cir., May 31, 2017): 17 If the government seeks to shackle a defendant [in court], it must first justify the 18 infringement with specific security needs as to that particular defendant. Courts 19 must [then] decide whether the stated need for security outweighs the 20 21 infringement on a defendant's right. This decision cannot be deferred to security 22 providers or presumptively answered by routine policies. All of these 23 requirements apply regardless of a jury's presence or whether it's pretrial, trial or 24 sentencing proceeding. Criminal defendants, like any other party appearing in 25 court, are entitled to enter the courtroom with their heads held high. 26 27 28

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Consequently, this Court must order that the above named Defendant shall appear before this Court without shackles, unless and until this Court makes an "individualized decision that a compelling government purpose would be served and that shackles are the least restrictive means for maintaining security and order in the courtroom." Id. At *9. Moreover, the Court "cannot flip the presumption against shackling by requiring that the defendant come up with reasons to be unshackled." See id. At n. 9. Based on the Ninth Circuit's ruling, the Defendant must appear without shackles unless and until the Court conducts a hearing in the Defendant's presence and makes appropriate judicial findings.

Dated this 8th day of June, 2017.

/s/ Chris T. Rasmussen

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